

Notice of Allowability

Application No.

10/025,319

Examiner

Tramar Harper

Applicant(s)

NAGASHIMA, KOUZO

Art Unit

3714

ED

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/18/07.
2. ☒ The allowed claim(s) is/are 2,4,6-13 and 15-21.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

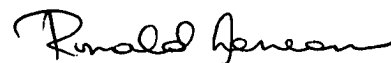
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



RONALD LANEAU
PRIMARY EXAMINER

DETAILED ACTION

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

Patentability seen in, although not limited to independent Claims 7-9: the apparatus and method comprising a competitive game server comprising a system for operating one or more virtual players, such that when an actual player of a plurality of available actual players receives the competitive game service and the number of available actual game players is below a predetermined number, the system is activated to operate as one or more virtual players selected from a virtual player list. Each virtual game player has a different thinking routine. The system is operative to operate the one or more virtual players to competitively play with the actual game players on the game service. Furthermore, there is a system for notifying the given actual player of the availability of game players to competitively play by sending a mail message that preparation for a game is completed after connection between the server and the actual player is discontinued temporally even if the system for operating operates the virtual players to competitively play. The system for notifying is configured such that one or more virtual players appear to the plurality of available actual game players as actual game players. The closest prior art of record does not teach or fairly suggest the claimed apparatus/method in combination. Miura (US 6,322,451 B1) teaches a tournament game system that allows players to choose opponents to compete against. Players can choose other players they desire to play against based upon the listed players skills. Additionally, if no opponents are available for play, virtual players

or computer opponents can be substituted. Miura also teaches that if a player does not choose available competitors, a computer will generate a virtual player to substitute as a competitive player. The gaming system comprises of a network of a host computer, servers, and gaming machines. Miura also discloses outputting messages regarding game play events such as messages from other players, in game progress, available player progress, acceptance messages, etc. However, Miura fails to disclose a computer producing virtual game players when available game players are below a predetermined number, temporarily disconnecting from the game server until game preparation is completed, notifying via a mail message that preparation is complete, and virtual players with different thinking routines. Begis (US 6,024,643) discloses a network game system that allows for remote, virtual competition in single and tournament game formats. Begis also teaches that a player can play with virtual players, representing real players, or allow a completely virtual competition played by only virtual players. Other embodiments taught by Begis show teachings of real opponents competing, real players versus computer generated opponents, and teams competing against real or virtual players. One impetus for Begis's system is to assist players in finding suitable opponents for competition based on skill level (thinking routines). In this process Begis provides that if a player needed for a game is not available, then a computer program will continue to search for suitable opponents. However, Begis excludes particularly notifying by mail message of a game preparation completion and temporarily disconnecting actual players from a game server, and virtual players appearing as actual players. Reisman

discloses a system that comprises of a user input-output interface for a user's station, workstation, computer, or terminal, e.g. as any information appliance or device having computer like functions and the ability to support an operating system for managing user input-output with a processor, including video game players, wired and wireless personal computers, that upon the request from a user for a information objects (updates) the server temporally disconnects from the user station until completion of the request, and a notification of such completion is sent to the user via the user. However, Reisman excludes a mail message notification, a game system with actual players and virtual players with different thinking routines, and preparation for a game. Furthermore, Applicant's argument that Muira in view of Begis has no motivation to combine Reisman is persuasive.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

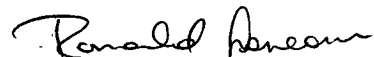
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tramar Harper whose telephone number is (571) 272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

Application/Control Number:
10/025,319
Art Unit: 3714

Page 5

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ronald Laneau
Primary Patent Examiner
Art Unit 3714

TH

12/19/07